

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Coke S. Reed; David Murphy  
Assignee: INTERACTIC HOLDINGS, LLC  
Title: SCALABLE NETWORK FOR COMPUTING AND DATA STORAGE  
MANAGEMENT  
Serial No.: 10/798,526 Filing Date: March 11, 2004  
Examiner: To Be Assigned Group Art Unit: 2662  
Docket No.: 1001.P008 US Confirmation No.: 8763

Irvine, California  
July 27, 2004

MAIL STOP MISSING PARTS  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 28 2004  
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION - FILING DATE GRANTED

Dear Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted" mailed by the United States Patent and Trademark Office on May 27, 2004, the following documents are enclosed to complete the filing of the above-identified patent application:

1. Copy of Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted; and
2. Declaration signed by inventors in compliance with 37 CFR 1.63.

KOESTNER BERTANI LLP  
18663 MACARTHUR BLVD.  
SUITE 400  
IRVINE, CA 92613  
TEL (949) 231-0350  
FAX (949) 251-0260

The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 50-2240:

- |   |         |
|---|---------|
| 1. Surcharge for filing declaration on a date later than the filing date of the application | \$65.00 |
|---|---------|

**TOTAL FEES: \$ 65.00**

The Commissioner is hereby authorized to credit any overpayment to Deposit Account No. 50-2240.

It is hereby respectfully submitted that the enclosed documents complete the filing of the above-identified patent application and justify the filing date of March 11, 2004. Please telephone the undersigned at (949) 251-0250, if there are any questions. This form is being submitted in duplicate.

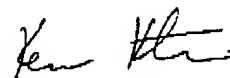
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Office of Initial Patent Examination (OIPE) at (703) 746-4000 on the date shown below

  
(Signature)

Ken J. Koestner  
(Printed Name of Person Signing Certificate)

July 27, 2004  
(Date)

Respectfully submitted,



Ken J. Koestner  
Attorney for Applicant(s)  
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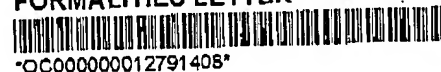
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1-30  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,526	03/11/2004	Coke S. Reed	1001.P008 US

CONFIRMATION NO. 8763

## FORMALITIES LETTER



\*0000000012791408\*

32794  
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IRVINE, CA 92612

Date Mailed: 05/27/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) **7A, 7B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date.

being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

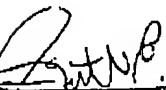
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE